



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Bozung, K-H et al) Art Unit: 1614
U.S. Appln. No. : 10/608,753) Examiner:
Confirmation No. : 7182
U.S. Filing Date : 06/27/2003
Title of Invention : Medicament Compositions Containing Anticholinergically-effective
Compounds and Betamimetics
Attny. Docket No.: 1/1088-3-C2

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

September 26, 2003

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed herein and on the attached PTO-1449 form and which the Examiner may deem relevant to patentability of the claims of the above-identified application. Copies of the citations listed on the PTO-1449 form are filed in US Application No. 10/075,687, filed on February 14, 2002, Bozung, K-H et al (Attorney Docket No. 1/1088-2-C1).

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Michael P. Morris

Michael P. Morris
Attorney for Applicant(s)
Reg. No. 34,513

Patent Department
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Date: September 26, 2003

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

3

Compleat if Known

Application Number	10/608,753
Filing Date	06/27/2003
First Named Inventor	Karl-Heinz BOZUNG
Art Unit	1614
Examiner Name	E. WEBMAN
Attorney Docket Number	1/1088-3-C2

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,290,539	03/01/1994	Marecki	
		US- 5,676,930	10/14/1997	Jager, et al	
		US- 6,455,524	09/2002	Bozung, et al	
		US- 6,433,027	8/2002	Bozung, et al	
		US- 6,299,861	10/09/2001	Banholzer, et al	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		WO 97/34871 A1	09/25/1997	Garvey, et al		
		DE 198 47 970 A1	10/17/1998	Hochrainer, et al		
		WO 00/47200 A1	08/17/2000	Hassan, et al		
		WO 99/51205 A1	10/14/1999	Dickinson, et al		
		WO 96/19968 A1	07/04/1996	Green, et al		

Examiner
Signature

Date
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 2 of 3

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Application Number	10/608,753
Filing Date	06/27/2003
First Named Inventor	Karl-Heinz BOZUNG
Art Unit	1614
Examiner Name	E. WEBMAN
Attorney Docket Number	1/1088-3-C2

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 95/24889 A1	09/21/1995	Hallworth, et al		
		WO 87/07052 A1	12/17/1987	Leigh, et al		
		EP 0 504 112 A2	03/05/1992	Keller, et al		
		WO 97/05136	02/13/1997	Banholzer, et al		

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**INFORMATION DISCLOSURE
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Sheet

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of

3

Complete if Known

Application Number

10/608,753

Filing Date

06/27/2003

First Named Inventor

Karl-Heinz BOZUNG

Art Unit

1614

Examiner Name

E. WEBMAN

Attorney Docket Number

1/1088-3-C2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		HOCHRAINER, D. ET AL; "Closure-cap and container as a two chamber cartridge for nebulisers for producing aerosols and active substance formulations, suitable for storage"; US Serial No. 09/416,476; filed 10/12/1999; Atty Docket No. 1/1068/1070	
		BOWER, C.; "Fractal morphology of drug aggregates in aerosol propellant suspensions; International Journal of Pharmaceutics; 1995; Vol. 118, pgs 229-235	
		BARNES, C.; "Chronic obstructive pulmonary disease; new opportunities for drug development"; Trends in Pharma. Sci., 1998, Vol. 19, pgs 415-423	
		REES, P. J.; "Bronchodilators in the therapy of chronic obstructive pulmonary disease"; Eur. Respir. Mon. 3/7; 1998; pgs 135-149	
		International Search Report for PCT/EP 00/03943; 05/03/2000	
		The following co-pending application is brought to the Examiner's attention but is not conceded to be prior art: BANHOLZER, R. ET AL; "Crystalline Tiotropium Bromide Monohydrate, Processes For The Preparation Thereof, And Pharmaceutical Compositions"; USSN 09/961,822; filed 9/24/2001; Atty Docket No. 1/1148	

Examiner
SignatureDate
Considered

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